

103^D CONGRESS
1ST SESSION

H. R. 2632

AMENDMENT

In the Senate of the United States,

November 11 (legislative day, November 2), 1993.

Resolved, That the bill from the House of Representatives (H.R. 2632) entitled “An Act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994”, do pass with the following

AMENDMENT:

Page 3, after line 2, insert:

1 ***SEC. 5. PATENT TERM EXTENSION FOR OLESTRA.***

2 (a) *IN GENERAL.*—*The terms of United States patents*
3 *numbered 4,005,195, 4,005,196, and 4,034,083 (and any re-*
4 *issues of such patents) shall each be extended for a period*
5 *beginning on the date of its expiration through December*
6 *31, 1997.*

7 (b) *POST-MARKET SURVEILLANCE.*—*The holders of the*
8 *patents extended under this section shall, following the first*
9 *permission for marketing olestra, undertake a post-market*
10 *program that shall provide data regarding the influence of*
11 *olestra-containing products upon the overall dietary intake*
12 *of fats. Such data shall be subject to the usual standards*
13 *of professional peer review. At the end of the study period,*
14 *such data shall be submitted to the Food and Drug Admin-*
15 *istration for review. Such study data shall be in a format*

1 *which shall be made available to Congress for public review.*
2 *The requirements of this subsection shall not in any manner*
3 *preempt the authority of the Food and Drug Administra-*
4 *tion to request and to receive any other information it de-*
5 *termines necessary in the course of its ongoing regulatory*
6 *activities.*

7 **SEC. 6. PATENT TERM EXTENSIONS FOR AMERICAN LE-**
8 **GION.**

9 (a) *BADGE OF AMERICAN LEGION.*—The term of a cer-
10 *tain design patent numbered 54,296 (for the badge of the*
11 *American Legion) is renewed and extended for a period of*
12 *14 years beginning on the date of enactment of this Act,*
13 *with all the rights and privileges pertaining to such patent.*

14 (b) *BADGE OF AMERICAN LEGION WOMEN'S AUXIL-*
15 *IARY.*—The term of a certain design patent numbered
16 *55,398 (for the badge of the American Legion Women's Aux-*
17 *iliary) is renewed and extended for a period of 14 years*
18 *beginning on the date of enactment of this Act, with all*
19 *the rights and privileges pertaining to such patent.*

20 (c) *BADGE OF SONS OF THE AMERICAN LEGION.*—The
21 *term of a certain design patent numbered 92,187 (for the*
22 *badge of the Sons of the American Legion) is renewed and*
23 *extended for a period of 14 years beginning on the date of*
24 *enactment of this Act, with all the rights and privileges per-*
25 *taining to such patent.*

1 **SEC. 7. INTERVENING RIGHTS.**

2 *The renewals and extensions of the patents under sec-*
3 *tion 6 shall not result in infringement of any such patent*
4 *on account of any use of the subject matter of the patent,*
5 *or substantial preparation for such use, which began after*
6 *the patent expired, but before the date of the enactment of*
7 *this Act.*

8 **SEC. 8. EFFECTIVE DATE.**

9 *The provisions of this Act shall take effect on the date*
10 *of the enactment of this Act.*

Attest:

Secretary.